



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/629,553	07/31/2000	Stacy Haituka	72189/98118B	4088

33356 7590 05/06/2005
SoCAL IP LAW GROUP LLP
310 N. WESTLAKE BLVD. STE 120
WESTLAKE VILLAGE, CA 91362

EXAMINER

STRANGE, AARON N

ART UNIT PAPER NUMBER

2153

DATE MAILED: 05/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/629,553	HAITSUKA ET AL.	
	Examiner	Art Unit	
	Aaron Strange	2153	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 January 2005.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 and 12-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 4, 14, 17-21 and 25 is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-10, 12, 13, 15, 16, 22-24 and 26-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

[Handwritten signature]

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 12/31/04 have been fully considered but they are not persuasive.

2. With regard to claim 1, and Applicant's assertion that Tazoe does not teach "the client establishing a communication channel from the local device to the online server" (Page 17, Lines 22-24 of Remarks), the Examiner respectfully disagrees. Tazoe discloses that the client device may communicate with a WWW server via the Internet (Col 8, Lines 51-59, Col 13, Lines 11-16, and Col 15, Lines 62-66) to download the notification information and/or the application to be executed. Downloading information over the internet requires establishing a communication channel between the client and the server.

3. With further regard to claim 1, and Applicants assertion that Tazoe does not teach "causing a dialog to be displayed, wherein the dialog notifies the user that the user has been inactive with respect to the online service" (Page 18, Lines 9-12 of Remarks), the Examiner respectfully disagrees. Tazoe teaches switching the contents of the application window to display other contents, including notification information (Col 15, Line 47 to Col 16, Line 8). This only occurs when the user has been inactive

Art Unit: 2153

with respect to the application, so the appearance of the notification notifies the user that the user has been inactive with respect to the online service (application).

4. With regard to claim 10, and Applicant's assertion that "Filling the application window with alternate content is fundamentally different from removing the window." (Page 18, Lines 22-23 of Remarks), the Examiner respectfully disagrees. Filling the application window with different content requires removing the window since the old window is replaced with the notification information. Tazoe further discloses that the entire window may be removed, including the title bar, and be replaced with the notification information (Col 17, Lines 15-18). When this action occurs, there is no portion of the old window visible to the user, thereby removing the window from the output device.

5. With regard to claim 22, Applicant's arguments are substantially identical to those presented for claim 1, and are not persuasive for the reasons discussed above regarding claim 1.

6. With regard to claims 2 and 23, and Applicant's assertion that Tazoe fails to teach that "the resource locator is associated with an advertisement" (Page 19, Lines 20-22 of Remarks), the Examiner respectfully disagrees. Tazoe discloses that the resource locator is associated with an advertisement (Col 15, Lines 60-66). Tazoe discloses that the advertisement displayed as the notification information may be

Art Unit: 2153

downloaded from a Web server. In order to download a file from a Web server, it must be associated with a resource locator, since resource locators such as URLs or URIs are required in order to locate and download files from Web servers.

7. With regard to claims 3, 13, and 24, and Applicant's assertion that Van Hoff fails to teach that each ad object comprises "a resource locator for a given advertisement, a resource locator for a click-through associated with the given advertisement, and at least one display attribute for the given advertisement", the Examiner respectfully disagrees. Van Hoff discloses that each entry in the advertisement list disclosed in Col 5, Lines 5-21 comprises a series of advertisement programs (ad objects), each containing a resource locator for the advertisement (address of images), a resource locator for an associated click-through (informational references), and at least one display attribute (length of display, fade, flash, etc) (See at least Col 4, Line 37- Col 5, Line 19).

8. With regard to claims 7 and 27, and Applicant's assertion that Tazoe fails to teach "wherein the client application determines that the user has not interacted with the local device with respect to the client application for a predetermined amount of time of the user has not clicked on any of the icons within the predetermined amount of time", the Examiner respectfully disagrees. As discussed in the Office action of 12/14/2004, Tazoe discloses that the King of Translation has user selectable icons at Col 16, Lines 32-37, and discloses that it is an example of the application window (Col 16, Lines 22-

Art Unit: 2153

26). As discussed with regard to at least claim 1, Tazoe determines that the user has not interacted with the local device if the user has not interacted with the window with a predetermined amount of time, and clicking on the icons in the window within the predetermined amount of time would certainly constitute interacting.

9. With regard to claim 12, and Applicant's assertion that Tazoe fails to disclose "that the client window is re-displayed if the user interacts with the browser application", the Examiner respectfully disagrees. Tazoe discloses that when the user's focus returns to the application, the application window is restored so that it displays the regular content (Col 15, Lines 3-25).

10. With regard to claim 15, and Applicant's assertion that Tazoe fails to disclose "wherein the client application causes the client window to be displayed on top of the browser window of the output device", the Examiner respectfully disagrees. If fig 6, Tazoe shows the "King of Translation" application being displayed in the foreground on the desktop, with no other applications covering it. Tazoe further discloses that the "King of Translation" program acts as a proxy to a web browser program, and translates requested web pages for the browser application. The browser must be operating in the background in order to request web pages.

With regard to Applicant's assertion that "wherein the client application prevents any other window which might be caused to be displayed on the output device from being displayed on top of the window" does not meet the Official Notice requirement

Art Unit: 2153

that "facts asserted to be well-known, or to be common knowledge in the art are capable of instant and unquestionable demonstration as being well known", the Examiner respectfully disagrees. In support of the taking of Official Notice, a reference which predates the present application by several years (Trueblood: US 5,675,755) has been provided which shows that preventing a new window from being displayed on top of a currently present window is unquestionably old and well-known in the art (designation of "always-visible" windows) (See at least abstract/summary).

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claims 1-3, 5-10, 12, 13, 15, 16, 22-24, and 26-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tazoe et al. (US 6,326,985) in view of Van Hoff et al. (US 5,959,623).

13. Tazoe show a system for detecting interaction within a predefined object/window. If the object/window is found to be in the inactive state, notification information is displayed. Tazoe shows:

- o A client application activating (col. 12 line 65- col. 13 line 3, col. 14 lines 45-47);

Art Unit: 2153

- The client application establishing a communication channel from the local device to the online server (col. 8 lines 51-59);
- A browser application activating (col. 12 lines 58-63);
- The client application monitoring the user's interaction with the local device with respect to the client application (interaction with online service) and thereby detecting whether the user is interacting with the online service, wherein interaction is manipulating the input device (col. 14 lines 51-56, col. 15 lines 4-56);
- If the user has not interacted with the local device with respect to the client application for a predetermined time, the client application causing a dialog to be displayed on the output device of the local device, wherein the dialog notifies the user that the user has been idle with respect to the online server by displaying resource locator in the dialog (col. 15 lines 47- col. 16 line 8).

Although Tazoe shows substantial features of the claimed invention, Tazoe does not show *the client application causing at least one advertisement to be displayed on the output device of the local device*. Nonetheless this feature is well known in the art, and would have been an obvious modification to the system disclosed by Tazoe evidenced by Van Hoff.

In an analogous art, Van Hoff shows a system for displaying advertisements concurrently with browser application on a portion of a client's display. Advertisements displayed in the Ad Window (500) consist of user selectable information. Accordingly, Van Hoff shows a client application causing advertisements to be displayed on the client display.

Given this feature, a person of ordinary skill in the art would have readily recognized the desirability and advantages of modifying the system shown by Tazoe to employ the feature taught by Van Hoff in order to display selected advertisements on a predefined portion of a clients display screen (see Van Hoff, col. 1 line 64- col. 2 line 5).

14. In referring to claim 2 and 23 Tazoe shows a method wherein the resource locator is associated with an advertisement (col. 15 lines 60-66).

15. In referring to claim 3, 13, and 24, Van Hoff shows the display of at least one advertisement operates in accordance with a first play list, the first play list comprising at least one ad object, each ad object comprising a resource locator for a given advertisement, a resource locator for click-through associated with the given line advertisement, at least one display attribute for the given advertisement, the first play list further specifying an order in which the advertisements are to be displayed (col. 4 lines 5-21).

16. In referring to claim 5, Van Hoff shows a system for client application displaying at least one advertisement in a client window displayed by the client application (Ad Window, 500, col. 3 lines 13-19).

17. In referring to claim 6 and 26, Tazoe shows a method for displaying advertisements to a user of an online service using a client application on a local

Art Unit: 2153

device, wherein the client application determines that the user has not interacted with the local device with respect to the client application for a predetermined time if the user has not clicked on an advertisement in the client window within the predetermined amount of time (col. 15 lines 9-25).

18. In referring to claim 7 and 27, Tazoe shows client window includes a plurality of user-selectable icons, each icon being associated with a given function of the client application, and wherein the client application determines that the user has not interacted with the local device with respect to the client application for a predetermined amount of time if the user has not clicked on any of the icons within the predetermined amount of time (fig. 5, setup, help, end, stop, col. 16 lines 32-37).

19. In referring to claim 8 and 28, Tazoe shows client application establishes the communication channel by creating a physical link between the local device and the online server via a PSTN (col. 9 lines 62-64).

20. In referring to claim 9 and 29, Tazoe shows establishing communication channel via a modem, and though Tazoe does not explicitly show a cable modem, one of ordinary skill in the art would have readily realized this design modification in order to accommodate various communication settings.

21. In referring to claim 10, having some similar limitation as claim 1, Tazoe shows:

Art Unit: 2153

- A client application activating (col. 12 line 65- col. 13 line 3, col. 14 lines 45-47);
- A browser application activating and the browser application displaying a browser window on the output device of the local device (col. 12 lines 58-63);
- The client application monitoring the user's interaction with the client window and thereby detecting whether the user is interacting with the online service, wherein interaction is manipulating the input device (col. 14 lines 51-56, col. 15 lines 4-56);
- The client application removing the client window from the output device of the local device if the user has not interacted with the client window for a predetermined amount of time (col. 15 lines 54-56).

Although Tazoe shows substantial features of the claimed invention, Tazoe does not show *the client application causing at least one advertisement to be displayed in a client window on the output device of the local device*. Nonetheless this feature is well known in the art, and would have been an obvious modification to the system disclosed by Tazoe evidenced by Van Hoff.

In an analogous art, Van Hoff shows a system for displaying advertisements concurrently with browser application on a portion of a client's display. Advertisements displayed in the Ad Window (500) consist of user selectable information. Accordingly, Van Hoff shows a client application causing advertisements to be displayed on the client display.

Given this feature, a person of ordinary skill in the art would have readily recognized the desirability and advantages of modifying the system shown by Tazoe to employ the

Art Unit: 2153

feature taught by Van Hoff in order to display selected advertisements on a predefined portion of a clients display screen (see Van Hoff, col. 1 line 64- col. 2 line 5).

22. In referring to claim 12, Tazoe shows method for removing client window from display, the client application re-displaying the client window on the output device if the user interacts with the browser application (col. 15 lines 3-15).

23. In referring to claim 15 and 16, Tazoe shows the displaying of client window on top of the browser window on the output device (fig. 6). Although Tazoe does not explicitly show the window preventing any other window from being displayed on top of the client window, this feature is a well known display design feature known to those of ordinary skill in the art. Official Notice is taken on the preventing of any other window from being displayed on top of the client window.

24. In referring to claim 22, Tazoe shows

- establishing a communication channel from the local device to the online server (col. 8 lines 51-59);
- A browser application activating (col. 12 lines 58-63);
- monitoring the user's interaction with the local device with respect to client application (interaction with online service) and thereby detecting whether the user is interacting with the online service, wherein interaction is manipulating the input device (col. 14 lines 51-56, col. 15 lines 4-56);

Art Unit: 2153

- If the user has not interacted with the local device with respect to client application for a predetermined time, client application causing a dialog to be displayed on the output device of the local device, wherein the dialog notifies the user that the user has been idle with respect to the online server by displaying resource locator in the dialog (col. 15 lines 47- col. 16 line 8).

Although Tazoe shows substantial features of the claimed invention, Tazoe does not show *at least one advertisement to be displayed on the output device of the local device*. Nonetheless this feature is well known in the art, and would have been an obvious modification to the system disclosed by Tazoe evidenced by Van Hoff.

In an analogous art, Van Hoff shows a system for displaying advertisements concurrently with browser application on a portion of a client's display. Advertisements displayed in the Ad Window (500) consist of user selectable information. Accordingly, Van Hoff shows a client application causing advertisements to be displayed on the client display.

Given this feature, a person of ordinary skill in the art would have readily recognized the desirability and advantages of modifying the system shown by Tazoe to employ the feature taught by Van Hoff in order to display selected advertisements on a predefined portion of a clients display screen (see Van Hoff, col. 1 line 64- col. 2 line 5).

Allowable Subject Matter

25. Claims 4,14,17-21, and 25 are allowed.

Conclusion

26. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

27. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aaron Strange whose telephone number is 571-272-3959. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glen Burgess can be reached on 571-272-3949. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2153

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AS
4/19/2005



KRISNA LIM
PRIMARY EXAMINER